

Adulteration of the article was alleged in the libel for the reason that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the word "Butter," borne on the label, was false and misleading and deceived and misled the purchaser, since the said article contained less than 80 per cent of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1927, the Wasatch Dairy Co., Provo, Utah, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled and reconditioned in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15331. Misbranding of canned peaches. U. S. v. 35 Cases, et al., of Canned Peaches. Product adjudged misbranded and ordered released under bond.** (F. & D. No. 21175. I. S. Nos. 4282-x, 4629-x, 4630-x. S. No. C-3032.)

On July 16, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 191 cases of canned peaches, remaining in the original unbroken packages at Clinton, Mo., alleging that the article had been shipped by Fred B. Neuhoﬀ Co., Van Nuys, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled, in part, variously: (Cans) "Buena Vista Brand Yellow Cling Peaches \* \* \* Fred B. Neuhoﬀ Company, San Francisco, Los Angeles, Van Nuys, California;" "La Canada Brand Yellow Free Peaches, Fred B. Neuhoﬀ Company, Distributors \* \* \* Los Angeles, Calif.;" "Coronado Brand Yellow Cling Peaches \* \* \* Van Nuys Packing Co. Inc. Van Nuys, Calif. Packers; Fred B. Neuhoﬀ Co. Distributors, Los Angeles, Calif."

It was alleged in the libel that the article was adulterated, in that a substance, excessive water or sirup, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

On September 3, 1926, the Barnett-Gerhardt-Winters Grocery Co., Clinton, Mo., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold until it had been salvaged and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15332. Adulteration of canned salmon. U. S. v. 1,200 Cases and 1,000 Cases of Canned Salmon. Decrees of condemnation and forfeiture entered. Product released under bond.** (F. & D. Nos. 15602, 15926. I. S. Nos. 928-t, 929-t, 930-t, 932-t, 933-t, 1021-t, 1022-t, 1024-t, 1025-t, 4245-t, 4250-t, 4251-t, 4252-t. S. Nos. C-3313, C-3388.)

On November 18, and November 19, 1921, respectively, the United States attorney for the Middle District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2,200 cases of canned salmon, remaining in the original unbroken packages in various lots at Nashville, Pulaski, Tullahoma, and Murfreesboro, Tenn., respectively, alleging that the article had been shipped by the W. R. Beatty Co., Vancouver, B. C., Canada, on or about October 1, 1921, and had been transported in interstate commerce into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Kay-Square Brand Select Pink Salmon, Inspected, Kenai Packing Co., Seattle, Wash.," (cases) "Pink Salmon Packed By Kenai Packing Company, Drier Bay, Alaska."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 17, 1927, Henry King & Co., Murfreesboro, Tenn., and Dobson & Co., Nashville, Tenn., having appeared as claimants for respective portions of the product, and having admitted that it contained putrid and rotten matter, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said product be released to a purchaser upon the execution of bonds totaling \$2,000, conditioned in part that it be disposed of as dog or chicken feed, and that the claimants pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

**15333. Adulteration and misbranding of macaroni. U. S. v. 14 Cases, et al., of Macaroni. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 21209, 21210, 21211. I. S. Nos. 7581-x, 13626-x, 13627-x. S. Nos. E-5820, E-5827, E-5830.)

On August 2 and 4, 1926, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 42 boxes or cases of macaroni remaining unsold in various lots at Newark, N. J., and Passaic, N. J., respectively, alleging that the article had been shipped by the De Martini Macaroni Co., Brooklyn, N. Y., in part June 24, 1926, and in part July 13, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Tucco Brand Bologna Style \* \* \* De Martini Macaroni Company, Inc. \* \* \* Macaroni, Artificially Colored." The remainder of the said article was labeled in part: "Farfalloni Bologna Style Macaroni Artificially Colored," and "Tucco Brand Bologna Style \* \* \* De Martini Macaroni Company, Inc. \* \* \* Brooklyn, N. Y."

It was alleged in the libels that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed. Adulteration of the product labeled "Farfalloni Bologna Style Macaroni" was alleged for the further reason that it contained an added poisonous or other added deleterious ingredient, borax or boric acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was an imitation of another article.

On July 26, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15334. Adulteration of celery. U. S. v. 336 Cases of Celery. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21961. I. S. No. 5964-x. S. No. E-6065.)

On June 20, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 336 cases of celery, at Rochester, N. Y., consigned by the Forest Garden Farms, Oviedo, Fla., alleging that the article had been shipped from Oviedo, Fla., on or about June 7, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained an added poisonous ingredient, arsenic, which might have been harmful to health.

On July 25, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15335. Misbranding of meat scrap. U. S. v. 400 Bags of Meat Scrap. Product ordered released.** (F. & D. No. 21150. I. S. No. 10888-x. S. No. W-1988.)

On June 23, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 bags of meat scrap, remaining in the original unbroken packages at San Pedro, Calif., alleging that the article had been shipped by